



ANNO VICESIMO QUINTO

GEORGII V REGIS.

A.D. 1934.

PRIVATE ACT.

An Act to incorporate the Spicer Cottages Trust ; to extend the powers of the Trustees thereof ; and for other purposes.

[Assented to, November 8th, 1934.]

WHEREAS by three several Declarations of Trust dated Preamble. respectively the first day of October one thousand eight hundred and ninety-seven the fifteenth day of December one thousand eight hundred and ninety-nine and the twenty-fifth day of August one thousand nine hundred and two, Joseph Berry, Robert Smith Casely, Henry Thomas Burgess, Jabez Bunting Stephenson, Charles Henry Ingamells, William Alfred Langsford, William Reed, John Cowperthwaite, Edward Spicer, Arnold Edwin Davey, Thomas Drew, Frederic Chapple, Frederick Bricknell, Thomas Rhodes, George Samuel Cotton and Edwin Blackler Colton, all therein respectively described, and thereafter respectively with the survivors and survivor of them, their or his assigns, and other the trustees for the time being thereof, included in the designation of " the said trustees " and also hereinafter in this Preamble referred to as " the said trustees " after reciting therein respectively (*inter alia*) that Edward Spicer being desirous of making some or some further provision in the way of homes for the widows of Ministers of the Wesleyan Methodist Church of South Australia, and for supernumerary Ministers of such Church, had purchased certain

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pieces of land therein respectively described (and particulars of which are set out in the First Schedule hereto) and had caused the same respectively to be transferred to them the said trustees, and had erected on the said pieces of land respectively certain cottages for the purposes aforesaid, declared that they the said trustees did and should stand possessed of the said pieces of land and cottage homes respectively upon the trusts and with the powers thereafter respectively contained which trusts and powers are all to the same effect, the principal trust in each case being to permit the land and cottage homes to be occupied by such of the widows of the ministers or such of the supernumerary ministers of the Wesleyan Methodist Church or of any Church in the then Province of South Australia formed by a union of the said Wesleyan Methodist Church with any other Church or Churches as the said trustees should from time to time select at any meeting of the trustees duly convened and held : AND WHEREAS the said Declarations of Trust were subsequently registered in the Lands Titles Registration Office at Adelaide, and are numbered respectively 332052, 349629 and 387659 : AND WHEREAS by Declaration of Trust dated the twenty-sixth day of October one thousand and nine hundred the said Edward Spicer after reciting that he had transferred to the said trustees certain South Australian Government securities, being three Northern Territory Bonds each for one hundred pounds declared and directed that the said trustees and their successors in the trusteeship thereof should hold the proceeds of the said Stock upon trust to invest the same as therein directed, and to apply the interest to arise from such investments in repairing and maintaining in good order the cottage homes referred to in Declarations of Trust Numbers 332052 and 349629, and of such other cottage homes as he might thereafter build and hand over to trustees on similar trusts : AND did further declare and direct that the trusts set out in the Declaration of Trust Number 349629 should, so far as applicable, apply to the said sum of three hundred pounds : AND WHEREAS the said trustees accepted the said trusts by executing an acceptance thereof written at the foot of the said Declaration of Trust : AND WHEREAS by a Declaration of Trust dated the twenty-sixth day of August one thousand nine hundred and two the said Edward Spicer after reciting that he had transferred to the said trustees the sum of two hundred and fifty pounds declared and directed that the said trustees and their successors in the trusteeship thereof should hold the said sum of two hundred and fifty pounds upon trust to invest the same as therein directed and to apply the interest to arise from such investments in or towards payment of the rent of such of the tenants of the cottage homes referred to in the Declarations of Trust Numbers 332052 and 349629, and of the cottage homes built on the Allotments 71 and 72 Township of Rugby (being the pieces of land referred to in the aforesaid

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Declaration of Trust dated the twenty-fifth day of August one thousand nine hundred and two) as the said trustees in their discretion should think most in need of such assistance : AND did further declare and direct that the trusts set out in the Declaration of Trust Number 349629 should, so far as applicable, apply to the said sum of two hundred and fifty pounds : AND WHEREAS the said trustees accepted the said trusts by executing an acceptance thereof written at the foot of the said Declaration of Trust : AND WHEREAS by her last will and testament Emma Spicer late of Ramsgate in the County of Kent in England the widow of the said Edward Spicer gave and bequeathed to the Spicer Cottage Homes founded by her late husband the sum of three hundred pounds free of legacy duty : AND WHEREAS after the death of the said Emma Spicer the said sum of three hundred pounds was duly received by the said trustees and has been duly invested by them for the purposes of the said trusts : AND WHEREAS the surplus income arising from the investment of the three several sums of three hundred pounds, two hundred and fifty pounds and three hundred pounds hereinbefore referred to and other moneys received have been accumulated and invested : AND WHEREAS the present trustees of all the trusts hereinbefore referred to are the persons whose names and addresses are set out in the Second Schedule hereto : AND WHEREAS it is desirable to incorporate the said trustees for more conveniently exercising and carrying into effect the said trusts and to give further powers to the said trustees for the regulation and management of the said trusts and for more effectually carrying out the objects and purposes thereof : BE IT THEREFORE ENACTED by the Governor of the State of South Australia with the advice and consent of the Parliament thereof as follows :—

1. This Act may be cited as “ The Spicer Cottages Trust Act, 1934 ”. Short title.

2. In this Act unless the context otherwise requires or some other meaning is clearly intended— Interpretation.

“ Endowment Fund ” means the Endowment Fund established by section 5.

“ Trustees ” means the trustees hereby incorporated and their successors.

“ The Trust ” means “ The Spicer Cottages Trust ”.

“ The trust property ” means all the real and personal estate whatsoever and wheresoever which has been heretofore transferred to acquired by or vested in the original trustees or their successors or which may hereafter be acquired by The Trust in any manner whatsoever.

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Incorporation.

3. The persons whose names are set out in the Second Schedule hereto shall be a body corporate by the name of "The Spicer Cottages Trust", and by that name shall have perpetual succession and a common seal and may sue and be sued and acquire purchase accept and hold lands tenements and hereditaments and shall have and may exercise all the powers and functions of a body corporate.

Vesting of trust property.

4. (1) The trust property is hereby vested in and shall be held by The Trust upon and subject to the trusts powers and directions declared and given by the said Declarations of Trust as the same shall respectively apply save so far as altered or modified by this Act and upon and subject to the trusts powers duties and obligations declared given or imposed by this Act.

Original trusts to apply unless otherwise provided.

(2) The trusts powers and directions declared and contained in the three Declarations of Trust dated respectively the first day of October one thousand eight hundred and ninety-seven, the fifteenth day of December one thousand eight hundred and ninety-nine and the twenty-fifth day of August one thousand nine hundred and two shall so far as the same are applicable and subject to the provisions of this Act be binding on and observed by The Trust as regards the trust property and its administration.

Endowment fund.

5. (1) The three several sums of three hundred pounds, two hundred and fifty pounds and three hundred pounds hereinbefore referred to and given by the said Edward Spicer and the said Emma Spicer as aforesaid and the investments representing the same are hereby amalgamated into one fund to be called with any future additions thereto the "Endowment Fund".

Application of income of Endowment fund.

(2) The Trust shall either retain the investments at present representing the Endowment Fund or sell the same or any of them and re-invest the proceeds thereof and any other moneys forming portion of the Endowment Fund in any investments authorised by law with power from time to time to change the same or any of them for others of a like nature and shall stand possessed of the investments now or from time to time representing the Endowment Fund upon trust to apply the income to arise therefrom at its absolute discretion for all or any of the purposes set out in the said Declarations of Trust dated the twenty-sixth day of October one thousand nine hundred and twenty-sixth day of August one thousand nine hundred and two.

Provisions as to surplus income.

(3) Any surplus income to arise from the investments of the Endowment Fund which shall not be required for any of the purposes aforesaid and any rents which may be received from the letting of any cottage homes which may become

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vacant shall be added to and form portion of the Endowment Fund and be invested accordingly provided nevertheless and subject to the provisions of section 10 The Trust may subsequently in its absolute discretion from time to time sell all or any of the investments representing such surplus income or rents and apply the net proceeds of any such sale as if the same were income then arising from the investment of the Endowment Fund.

6. All property of which any disposition shall be made to or in favour of The Trust whether with or without any special direction or limitation concerning the same shall if accepted by The Trust so far as is consistent with the provisions of this Act be applied in accordance with such direction or limitation (if any) and subject thereto shall be applied by The Trust in furtherance of the objects thereof as The Trust shall from time to time determine.

Special gifts.

7. The Trust or any two trustees thereof may apply to the Supreme Court or a Judge thereof for advice or direction as to matters connected with the management or administration of the trust property or the construction of any deed or document relating to The Trust or the trust property in like manner as any unincorporated trustee; and the proceedings upon or relating to such application and any judgment or order made thereon shall be the same and have the same effect as if such application were made by any unincorporated trustee.

Power to apply to court for advice, &c.

8. The Trust may if at any time or from time to time the cottage homes forming portion of the trust property or any of them shall in the opinion of The Trust become unsuitable for the purposes of the said trusts sell the same or any part thereof at such times and in such manner as The Trust in its absolute discretion may think fit.

Power to sell cottages.

9. The Trust shall hold the proceeds to arise from any such sale as is mentioned in section 8 after payment thereof of the expenses incident thereto upon trust to apply the same in or towards the purchase of another cottage home or other cottage homes in the State of South Australia or the purchase of freehold land in the said State and in erecting thereon a cottage home or homes and it may in its absolute discretion apply any such proceeds partly in the one way and partly in the other.

Power to purchase other cottages.

10. The Trust may in its absolute discretion apply the whole or from time to time any part of the surplus income and rents referred to in section 5 subsection (3) in or towards the purchase

Power to use accumulations of surplus income, &c., in purchase of homes.

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of cottage homes or the purchase of land and erection of cottage homes in all respects as if the same were moneys held by it upon trust under the provisions of section 9 hereof: AND may apply any of such accumulations either together with or independently of the proceeds of any sale as is mentioned in sections 8 and 9.

In the name and on behalf of His Majesty, I hereby
assent to this Bill.

W. DUGAN, Governor.

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SCHEDULES.

THE FIRST SCHEDULE.

PARTICULARS OF LANDS.

The whole of the land comprised in Certificates of Title Register Book Volume 618 Folio 182; Volume 1533, Folio 199; and Volume 1533, Folio 63.

THE SECOND SCHEDULE.

NAMES AND ADDRESSES OF TRUSTEES.

William George Clarke, Northgate Street, Unley Park.
Frank Lade, Wesley College, North Unley.
William Arthur Dunn, King William Road, North Unley.
John Henry Nield, Highbury Street, Prospect.
George Keysell Haslam, Alexandra Avenue, Rose Park.
Eric Marfleet Ingamells, Augusta Street, Maylands.
Edgar Thomas Pryor, Magill.
Henry William Jew, Carlton Parade, Torrensville.
James Harris Hobbs, Felixstowe Road, Payneham.
Joseph Williams Gillingham, Fisher Street, Malvern.
Edward Henry Rhodes, Park Terrace, Wayville.
Geoffrey Sandford Reed, George Street, Unley Park.
Percy Banks Carvosso, Second Avenue, Royston Park.
John Stanley Clarke, Kyre Avenue, Kingswood.
William Thomas Collins, Culross Avenue, Fisher Park.